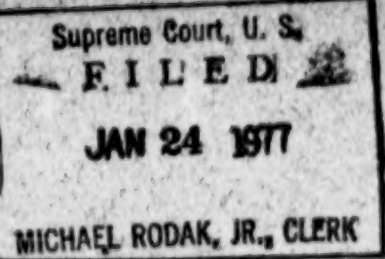


No. 76-677



**In the Supreme Court of the United States**

OCTOBER TERM, 1976

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**RONNY G. SAYLORS, ET AL., PETITIONERS**

**v.**

**UNITED STATES OF AMERICA, ET AL.**

---

**ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT**

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**MEMORANDUM FOR THE RESPONDENTS**

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**DANIEL M. FRIEDMAN,**  
*Acting Solicitor General,*  
*Department of Justice,*  
*Washington, D.C. 20530.*

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The issues presented in this case are identical to the issues presented in *United States v. Larionoff*, No. 76-413, petition for a writ of certiorari granted December 6, 1976. In essence, petitioners contend that at the time they agreed to extend their enlistments in the United States Navy they acquired, by contract or under the applicable regulations, a vested right to the payment of "variable reenlistment bonuses." In rejecting this contention, the court of appeals expressly declined to follow the decision in *Larionoff* and aligned itself with the Fourth Circuit's decision in *Carini v. United States*, 528 F. 2d 738, petition for a writ of certiorari pending, No. 75-1695 (Pet. App. 6a).

We did not oppose the petition in *Carini* because of the conflict between the decision in that case and in *Larionoff*. Since the Court has now granted the petition in *Larionoff*,

we suggest that the petition in this case be held pending a final decision in *Larionoff*.

Respectfully submitted.

DANIEL M. FRIEDMAN,  
*Acting Solicitor General.*

JANUARY 1977.